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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,575	11/24/2003	Rex W. Beasley	44737-Beasley	5801

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,575

Applicant(s)

REX W. BEASLEY

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 26-34 is/are allowed.
- 6) ☒ Claim(s) 24,25,35,37 and 40 is/are rejected.
- 7) ☒ Claim(s) 36,38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/14/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see the marked attachment.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #2,823,425 to GRANEK. GRANEK discloses a movable wall module for installation into an opening formed in a wall (44) of a building wherein the building wall (44) separates first (FS) and second spaces (62) each including a stationary floor (FL) disposed respectively at opposite sides of the building wall (44), said movable wall module comprising:

a generally upright module frame (25,40) having generally vertical first and second sides extending upwardly from a lower margin (LM) wherein in the absence of an intervening turntable (as at 22) is disposed adjacent a stationary floor (FL) and (as at 58) of the first space (FS) and the second space (62); first component means (FC) supported on said first side (FS) of said frame (25,40) and second component means (SC) supported on said second (SC) side of said frame (25,40) and disposed in direct overlying to the stationary floors (FL) and (as at 58); and means (32,38) for movably supporting said frame (25,40) within the building wall opening for movement between a first position with said first and second (FC,SC) component means presented respectively to

said first (hatch lined) and second spaces, and a second position with said first and second component means (FC,SC) presented respectively to said second and first spaces (hatch lined), and further wherein the stationary floor area (F) within said first (FS) and second spaces is substantially exposed and unobstructed by said frame (25,40), when said frame (25,40) is in either one of said first (hatch lined) and second positions, see the marked attachment.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 24,25,37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #2,823,425 to GRANEK. GRANEK discloses a movable wall module for installation into an opening formed in a wall (44) of a building wherein the building wall (44) separates first (FS) and second spaces (62) each including a stationary floor (FL) disposed respectively at opposite sides of the building wall (44), said movable wall module comprising:

a generally upright module frame (25,40) having generally vertical first and second sides extending upwardly from a lower margin (LM) wherein in the absence of an intervening turntable (as at 22) is disposed adjacent a stationary floor (FL) and (as at 58) of the first space (FS) and the second space (62); first component means

(FC) supported on said first side (FS) of said frame (25,40) and second component means (SC) supported on said second (SC) side of said frame (25,40) and disposed in direct overlying to the stationary floors (FL) and (as at 58); and means (32,38) for movably supporting said frame (25,40) within the building wall opening for movement between a first position with said first and second (FC,SC) component means presented respectively to said first (hatch lined) and second spaces, and a second position with said first and second component means (FC,SC) presented respectively to said second and first spaces (62), and further wherein the stationary floor area (FL) and (as at 58) within said first (FS) and second spaces is substantially exposed and unobstructed by said frame (25,40), when said frame (25,40) is in either one of said first (hatch lined) and second positions, see the marked attachment.

GRANEK discloses the basic claimed module except for the second component (SC) specifically including a work surface and including castor means. Although GRANEK is silent in this regard, he does detail that his first side (62) can be converted into bedroom. A bed is not explicitly detailed either; however, it would have been obvious to one having ordinary skill in the art that a bed or even a chair/table would be provided in the bed area (62). Beds and chairs/tables are both known for including castors. GRANEK discloses the basic claimed movable wall module except for explicitly

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indicating that his second component means (SC) is a "work surface". Also, although GRANEK does not explicitly disclose that his second component means (SC) is a work surface, he does detail that the second side (62) of the frame (25,40) can be a living room or a studio room. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the second component of GRANEK could be a work surface such as a computer desk, or a simple cocktail table or perhaps a draftsman table. Regarding claim 25, again, due to the fact that the second side (62) of the frame (25,40) is a living room or a studio room, the second component (SC) could be a desk.

Regarding claims 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #2,823,425 to GRANEK. GRANEK discloses the basic claimed movable wall module except for explicitly detailing the diametric size of the means for movably supporting the frame and except for explicitly detailing the specific depths of the first and second components. In reference to claim 37, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the diametric size of the moving means suitable for the use intended as an obvious matter of design choice. For example, a larger size and much heavier floor (say for instance concrete) would require a much larger sized bearing in order to facilitate movement thereof without an excessive amount of friction. Whereas, a much smaller and lighter floor would require smaller moving means because the weight thereof is lighter and the size is much smaller. Regarding claim 40, although GRANEK is silent with regards to the depths of the first and second component means, it is very

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well known in the art that any component has a depth of some dimension. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known depth dimension according to the use intended as an obvious matter of design choice. For instance, if the room were small perhaps most of the components included therein would all have the same or a very much similar dimension in order to create more space within the room itself. Whereas, if the room was fairly large, components varying in dimensions could occupy the room in an attempt to have the room appear smaller but still maintain enough maneuverability therein.

Allowable Subject Matter

Claims 1-23,29 and 30-32 are allowable

Claims 26-28 and 33-34 remain as being allowed.

Claims 36,38 and 39 remain as being objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the newly revised/modified ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Carl D. Friedman
Supervisory Patent Examiner
Group 3600

EXAMINER'S ATTACHMENT

Feb. 18, 1958

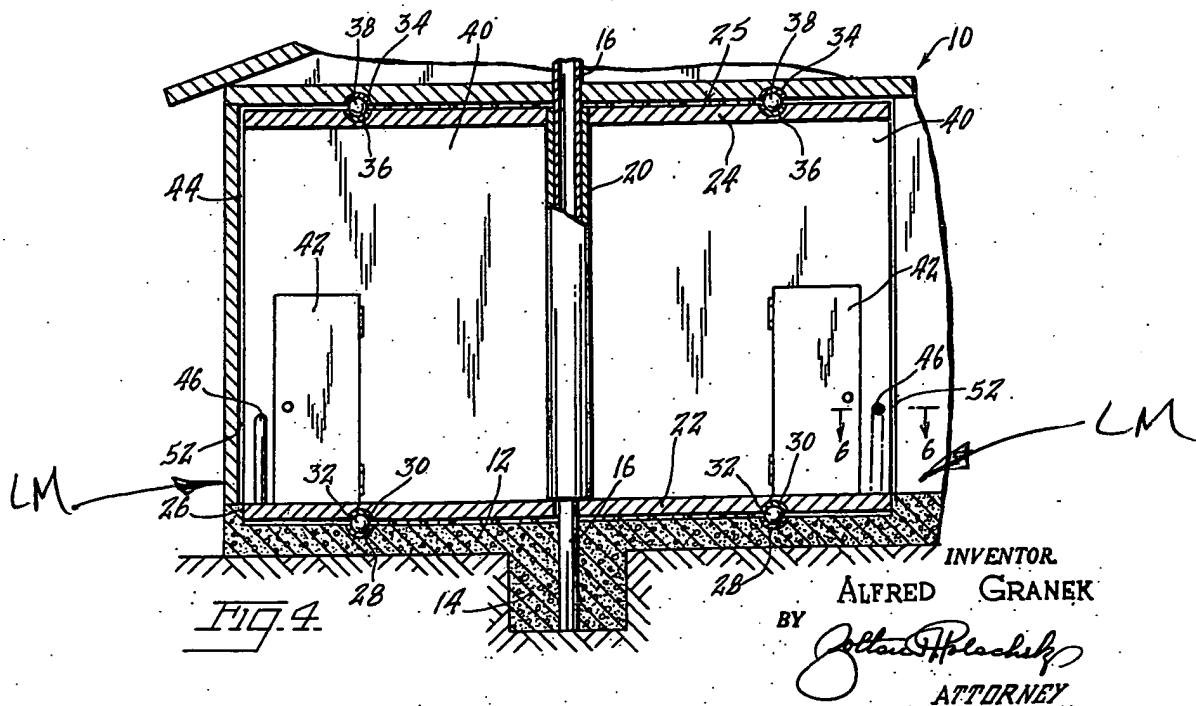
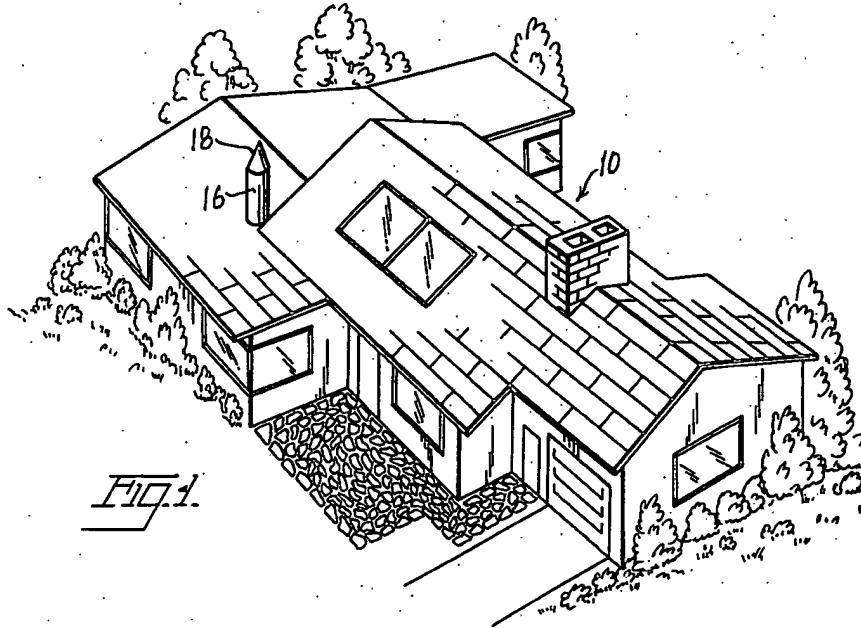
A. GRANEK

2,823,425

ROTATABLE SECTIONS FOR BUILDINGS

Filed Dec. 16, 1954

3 Sheets-Sheet 1



EXAMINER'S ATTACHMENT

Feb. 18, 1958

A. GRANEK

2,823,425

ROTATABLE SECTIONS FOR BUILDINGS

Filed Dec. 16, 1954

3 Sheets-Sheet 2

